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OFFICE OF PETITIONS

In re Patent No. 7,029,712
Issued: April 18, 2006
Application No. 10/521,067
Filed: January 11, 2005
Attorney Docket Number: 31092-05

ON PETITION

This is a decision on the petition, filed May 8, 2006, under 37 CFR 1.183, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the front of the Patent.

The petition is **GRANTED**.

Petitioner states that the assignee's name, BIOSYNTRX, INC., was inadvertently omitted from the Fee(s) Transmittal form PTOL-85(b) at the time the issue fee was paid. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that BIOSYNTRX, INC. is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

¹ See Official Gazette of June 22, 2004

A review of the record indicates that the certificate of correction was mailed August 22, 2006.

Petitioner is advised that the fee for a petition under 37 CFR 3.81 is \$130.00. While petitioner's deposit account no. 08-0719 was charged in the amount of \$400.00 on May 8, 2006, \$270.00 is being credited back.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions